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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 10/767,305 | 09/14/2004 | Byron Randall Wilson III | | 8937 |

7590 05/05/2006
BYRON RANDALL WILSON III
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EXAMINER

BLAU, STEPHEN LUTHER

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| ART UNIT | PAPER NUMBER |
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3711

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

| | | | |
|-----------------|--|-----------------------|--|
| Application No. | | Applicant(s) | |
| 10/767,305 | | WILSON, BYRON RANDALL | |
| Examiner | | Art Unit | |
| Stephen L. Blau | | 3711 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 17 February 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
 - ☒ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other See Continuation Sheet.
- ☒ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☒ B. Other See Continuation Sheet.
- ☒ 3. Amendments to the drawings:
 - ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☒ C. Other See Continuation Sheet.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- 1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- 2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 1(c) Other: There are changes to the specification yet it was not done in accordance with article 714 II.B of the Manual of Patenting Examining procedure. The full text of any replacement paragraph is required provided with markings to show all changes relative to the previous version of the paragraph. Text added should be underlined and text deleted must be shown by strike-through or double brackets for special situations .

Continuation of 2(b) Other: There are changes to the abstract which is the specification yet it was not done in accordance with article 714 II.B of the Manual of Patenting Examining procedure. The full text of any replacement paragraph is required provided with markings to show all changes relative to the previous version of the paragraph. Text added should be underlined and text deleted must be shown by strike-through or double brackets for special situations .


Continuation of 3(c) Other: The applicant is not required to submit drawings each time a response is sent in unless the drawings are changed. If the drawings are changed then the "Replacement Sheet" is required to identify it. See article 714 II.D. .

Continuation of 4(e) Other: The claims have not been amended in accordance with article 714.II.C of the Manual of Patenting Examiner procedures. There are no status identifiers or markings to show changes.

Continuation of 5 Other: The arguments to the official action has been incorporated into the specification. The reply presenting arguments pointing out distinctions believed to render claims patentable over any applied references should be separate from the specification in order to not add new matter to the original disclosure. The applicant appears to be very unfamiliar with the patenting process and it is recommended that the services of a patent attorney be obtained.

Due to the response dated 17 February 2006 being non-compliant the applicant should assume that none of the changes/amendments have been entered and that the original application is that which should be modified.

The instructions as to how respond and amend your application may be found in article 714 of the Manual of Patenting Examining Procedures (MPEP) found at the website (<http://www.uspto.gov/web/offices/pac/mpep/index.html>). The instructions as to how to extend the period of reply can be found in article 710.02(e) of the Manual of Patenting Examining Procedures (MPEP) found at the website (<http://www.uspto.gov/web/offices/pac/mpep/index.html>). The fees required for an extension of time can be found at the website (<http://www.uspto.gov/web/offices/ac/qs/ope/fee2005mar15.htm>) under 37 CFR rule 1.17(a). Forms for extension of time can be found at website (<http://www.uspto.gov/web/forms/index.html>). If the applicant wants the date to count when the response is placed in the mail a certificate of mailing must be made in accordance with chapter 512 of the MPEP. A Certificate of Mailing form can be found by going to PTO/SB/92 at <http://www.uspto.gov/web/forms/index.html>.



STEPHEN BLAU
PRIMARY EXAMINER